

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>NATHAN W. CLOUSER,</b>	:	<b>CIVIL NO. 1:12-CV-1870</b>
	:	
<b>Plaintiff</b>	:	<b>(Chief Judge Conner)</b>
	:	
<b>v.</b>	:	
	:	
<b>TODD JOHNSON, <i>et al.</i>,</b>	:	
	:	
<b>Defendants</b>	:	

**ORDER**

AND NOW, this 25th day of August, 2014, upon consideration of defendants' motion (Doc. 93) for summary judgment pursuant to Heck v. Humphrey, 512 U.S. 477 (1994), the report and recommendation (Doc. 110) of Magistrate Judge Susan E. Schwab, and the objections (Doc. 112-13) of both parties to the report, and further upon consideration of defendants' appeal (Doc. 115) of an order (Doc. 111) issued by Judge Schwab granting plaintiff's motion (Doc. 74) to compel, and for the reasons stated in the accompanying memorandum, it is hereby ORDERED that:

1. The report (Doc. 110) of Magistrate Judge Susan E. Schwab is ADOPTED to the extent it recommends granting defendants' motion with respect to plaintiff's Fourth Amendment false arrest and false imprisonment claims. The court declines to adopt the remainder of the report.
2. Defendants' motion (Doc. 93) is GRANTED to the extent it seeks judgment in defendants' favor on plaintiff's Fourth Amendment false arrest and false imprisonment claims. Entry of judgment is deferred pending resolution of plaintiff's remaining claims.

3. Defendants' motion (Doc. 93) is DENIED in all other respects.
4. Defendants' appeal (Doc. 115) of Magistrate Judge Schwab's order (Doc. 111) dated May 19, 2014 is DENIED.
5. Defendants are GRANTED leave to file an additional motion pursuant to Federal Rule of Civil Procedure 56 addressing the merits of plaintiff's remaining claims. Any such motion shall be filed within fourteen (14) days of the date of this order.

/S/ CHRISTOPHER C. CONNER

Christopher C. Conner, Chief Judge  
United States District Court  
Middle District of Pennsylvania